

ZONING VARIANCES

A CITIZEN'S GUIDE TO WESTPORT'S PERMIT PROCESS

If the project you are proposing for your property does not conform to the zoning regulations you may request a variance.

Only the Zoning Board of Appeals has the authority to grant a variance which provides relief from the zoning regulations.

BEFORE GRANTING A VARIANCE, STATE STATUTES REQUIRE THE ZONING BOARD OF APPEALS TO DETERMINE:

- that your project is in harmony with the general purpose and intent of the zoning regulations;
- due consideration has been given for conserving the public health, safety, convenience, welfare and property values;
- that there are physical conditions that are unique to this property; and
- the enforcement of the regulations would result in exceptional difficulty or unusual hardship. The hardship must be defined as a condition affecting the specific property, not a monetary hardship.

I. TO APPLY FOR A VARIANCE:

You must submit a *complete* application to the Zoning Board of Appeals.

- A. The Zoning Board of Appeals Clerk will:
 - 1) assist you with the application process
 - 2) describe all of the requirements to apply for a variance.
- B. You will need:
 - 1) An up-to-date A-2 survey of the existing conditions on your property. This survey should include: existing & proposed coverage and setbacks, all wetlands and water courses, steep slopes (contour lines) & flood elevations if your property is within a flood zone.
 - 2) Preliminary building plans drawn to scale.
- C. Please review your variance application with the ZBA Clerk **at least six weeks prior to the public hearing**. You will then be scheduled for a review with a Planning and Zoning staff member to verify the variances requested.
- D. The Board usually hears five cases at each public hearing.

II ZONING BOARD OF APPEALS MEETING

- A. The Zoning Board of Appeals usually holds public hearings the **second and fourth Tuesday of each month at 7:30 p.m.** Present your project at the public hearing.
- B. The five board members and members of the public will have an opportunity to ask questions about your project and make comments about the project. Also, neighboring property owners may ask questions and make comments about the project.
- C. **Rendering a decision**
 - 1. The Board usually meets in a work session after the public hearing to make decisions on the cases they have heard that evening.
 - 2. The work session is open to the public, but the public can not speak at these sessions.
- D. For the variance to be granted, **four members must vote in favor of the project.**
- E. You will be advised by registered mail of the decision. If the variance is granted, it is filed on the land records in the Town Clerk's office and becomes a permanent condition on your land. You may then apply for site plan approval or a zoning permit, depending on the nature of your project.

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